

REMARKS

In response to the Office Action dated October 22, 2004, Applicants respectfully request reconsideration based on the above claim amendment and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-20 are pending in this application. Claims 1-3, 7, 17 and 20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,097,721 ("Goody"), and further in view of U.S. Patent No. 6,678,741 ("Northcutt"). Claims 4-6 and 18-19 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Goody and Northcutt and further in view of U.S. Patent No. 6,175,552 ("Parry"). Claims 8-12, 14 and 16 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Goody and Northcutt and further in view of "Prospects for Fiber to the Home (FTTH)" ("Reddy"). Claims 13 and 15 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Goody, Northcutt, and Reddy and further in view of Parry.

Interview Summary

Applicants' attorney, Kenneth R. Eiferman, and the Examiner discussed the amendments herein in a telephonic interview on December 14, 2004. The Examiner agreed to reconsider the rejections in light of these amendments.

Rejections Under 35 U.S.C. § 103(a)

1. Claims 1-3, 7, 17 and 20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Goody and further in view of Northcutt. Applicants respectfully disagree.

Exemplary embodiments of the present invention is directed to updating software in a fiber optic network, and, more specifically, to an automated process for updating software in a fast and efficient manner. According to exemplary embodiments, a software distribution system (SDS) may update software on both a multiplexor and its connected network units using only a single contact to the mutiplexor (See page 15, lines 6-19 and also Fig. 4, step 410). As conventional fiber optic networks often contain a very large quantity of network units, time is saved and efficiency is improved, according to exemplary embodiments, by

enabling software on a mutiplexor and its connected network units to be updated using only a single contact, as opposed to having to make a separate connection for each network unit.

The Examiner cites Northcutt as teaching the process of updating software. *However, Northcutt discloses updating software using a device-by-device approach in which software is updated one device at a time.* Specifically, a first device sends parameters to a second device, and the second device is then updated according to the first device's parameters (See Northcutt, Col. 5, lines 30-49 and Fig. 3).

Independent claims 1 and 20 each recite "initiating a single contact with a multiplexor and, through the single contact, identifying software comprised on each of a plurality of firmware cards located in the multiplexor and on a firmware card located in a network unit." Thus, these claims recite identifying software on both the multiplexor and the network unit(s) through a single contact. As Northcutt is limited to a device-by-device approach, Norhtcutt does not teach or suggest identifying software on both the multiplexor and the network units through a single contact as recited in claims 1 and 20. Even if the device-by-device approach of Northcutt were repeated for each device in a fiber optic network, this limitation would still not be met because each device would require a separate contact. Furthermore, repeating the device by device approach for each individual network unit would be both a time-consuming and inefficient process.

Applicants respectfully submit that dependent claims 2 and 7 are patentable at least by reason of their dependency. Claim 3 is cancelled by the present amendment. Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections are respectfully requested.

2. Claims 4-6 and 18-19 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Goody and Northcutt and further in view of U.S. Patent No. 6,175,552 ("Parry"). Applicants respectfully disagree and submit that dependent claims 4-6 are patentable at least by reason of their dependency. Claims 18 and 18 are cancelled by the present amendment. Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections are respectfully requested.

3. Claims 8-12, 14 and 16 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Goody and Northcutt and further in view of “Prospects for Fiber to the Home (FTTH)” (“Reddy”).

Applicants respectfully submit that independent claim 8 is patentable for the same reasons discussed above in section 1 with respect to independent claims 1 and 20. Applicants further submit that dependent claims 9, 11, 12, 14 and 16 are patentable at least by reason of their dependency. Claim 10 is cancelled by the present amendment. Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections are respectfully requested.

4. Claims 13 and 15 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Goody, Northcutt, and Reddy and further in view of Parry. Applicants respectfully disagree and submit that dependent claims 13 and 15 are patentable at least by reason of their dependency. Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections are respectfully requested.


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CONCLUSION

In view of the above remarks, Applicant respectfully submits that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested.

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Kenneth R. Eiferman
Registration No. 51,647

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439

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Amendments to the Drawings

The attached sheet(s) of drawings includes changes to Fig(s) 4. The sheet(s), which includes Fig(s) 4, replaces the original sheet(s) including Fig(s) 4.

Attachment: Replacement Sheet(s)